



State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF DRINKING WATER
Kenneth H. Bousfield, P.E.
Director

Drinking Water Board
Anne Erickson, Ed.D., *Chair*
Myron Bateman, *Vice-Chair*
Ken Bassett
Daniel Fleming
Jay Franson, P.E.
Helen Graber, Ph.D.
Paul Hansen, P.E.
Laurie McNeill, Ph.D.
Dianne R. Nielson, Ph.D.
Petra Rust
Ron Thompson
Kenneth H. Bousfield, P.E.
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

MINUTES OF THE DRINKING WATER BOARD MEETING HELD ON MARCH 2, 2007 IN ST. GEORGE, UTAH

Board Members Present

Anne Erickson, Ed.D., *Chair*
Myron Bateman, *Vice Chair*
Ken Bassett
Daniel Fleming
Jay Franson, P.E.
Helen Graber, Ph.D.
Paul Hansen, P.E.
Laurie McNeill, Ph.D.
Petra Rust
Ronald Thompson

Board Members Excused

Dianne Nielson, Ph.D.

Staff

Kenneth Bousfield
Kenneth Wilde
Bill Birkes
Patti Fauver
Rich Peterson
Karin Tatum
Don Lore
Heather Bobb
Linda Matulich

Guests

Kendall Morris, ACME Water
Lorna Rosenstein, Waterwatch of Utah
Paulina Flint, White City WID
Scott Paxman, Weber Basin Water
Cal Cook, Cedar Fort City
Lonnie Shull, Division of Water Quality
Randy Taylor, P.E., District Engineer
Neil Forster, Rural Water Association
Paul Fulgham, Rural Water Association
Dale Pierson, Rural Water Association
Ken Powell, Wellington City
Tim Jones, Jones & DeMille Engineering
David Gardner, WaterPro
Chad Brown, Circleville City
Eric Franson, Circleville City
Van Martin, Summit Water Distribution
Doug Nielsen, Sunrise Engineering
Art Kimball, White City WID UASD
Marie Owens, Jordan Valley WCD
Brent Richardson, self
Rich White, Escalante City
Guy Graham, Escalante City
Al Deware, Erda Acres Water Company
Lonny Hafen, Veyo Culinary Water
Joyce Houskeeper, Wellington City
Mayor Karl Houskeeper, Wellington City
Paul Ashton, Holliday Water Company
Ken Snook, Rural Water Association
Keith Hansen, Salt Lake Cty. SA#3 & Alta
Steve McIntosh, Salt Lake Cty. SA#3 & Alta

ITEM 1 – CALL TO ORDER

The Drinking Water Board convened in St. George, Utah with Chairman Erickson presiding. The meeting was called to order at 1:30 p.m.

ITEM 2 – ROLL CALL

Chairman Erickson asked Ken Bousfield to call roll of the Board members. The roll call showed there were 10 members present.

ITEM 3 – INTRODUCTIONS

Chairman Erickson welcomed everyone and asked the guests to introduce themselves.

Daniel Fleming reviewed the Rural Water Association's Conference activities.

Chairman Erickson congratulated Daniel Fleming and Dale Pierson on the outstanding Conference.

On behalf of the Drinking Water Board, Chairman Erickson congratulated Ken Bousfield, as the new Division Director and Executive Secretary.

ITEM 4 – APPROVAL OF MINUTES – JANUARY 12, 2007

Chairman Erickson stated a motion to approve the Minutes of January 12, 2007 would be in order.

Petra Rust moved to approve the January 12, 2007 Drinking Water Board minutes.

Daniel Fleming seconded.

**CARRIED
(Unanimous)**

ITEM 5 – ELECTIONS OF CHAIR AND VICE CHAIR

Chairman Erickson opened up Elections for Chair and Vice Chair for the coming year.

CHAIR:

Myron Bateman moved to approve Anne Erickson Chair of the Drinking Water Board by acclamation.

Ronald Thompson seconded the motion.

**CARRIED
(Unanimous)**

VICE CHAIR:

Petra Rust moved to approve Myron Bateman Vice Chair of the Drinking Water Board, by acclamation.

Daniel Fleming seconded the motion.

**CARRIED
(Unanimous)**

Ronald Thompson moved to close the nominations.

Ken Bassett seconded.

**CARRIED
(Unanimous)**

ITEM 6 – MUTUAL AID AGREEMENT (WARN – U)

Dale Pierson mentioned Rural Water has recognized a very important need to better formalize the water and wastewater systems. Rural Water created a mechanism for water and wastewater systems to be able to help each other out in times of an emergency. The systems that are party to the agreement will help out systems that are having an emergency. One of the most important mechanisms is the capability of providing reimbursement to the systems that respond to the systems needing help.

Rural Water will put the agreement on their website, and maintain the website. Rural Water will gather information to help make the program work. The system will come to Rural Water to sign an agreement for assistance. Rural Water is working on the legal issues. The systems will be encouraged to work together.

Discussion followed.

ITEM 7 – SRF/CONSERVATION COMMITTEE REPORT

1) Status Report

a) Letter from the Attorney General

Ken Wilde mentioned staff received a letter from Fred Nelson stating that the Drinking Water Board is eligible to receive \$0.3 million for the Capitalization Grant under the Federal SDWA.

b) Legislative Amendment

Ken Wilde reported on how a bill/amendment goes through the Legislature to become law.

c) Financial

Ken Wilde reported the Board has \$4.8 million in the State SRF Fund, of which \$591,000 is Grant money, and the rest is Principle money. Staff expects another \$3.9 million for interest and repayments this year. The Board will have a total of \$8.7 million to use.

Ken Wilde reviewed some problems Garden City has experienced while building their treatment plant. The State Land Office learned, about a year ago, that Garden City was planning on building their treatment plant on state land. Garden City signed an agreement to build their treatment plant. Garden City has been under the gun to get their issue resolved with the State Land Office.

Ken Wilde mentioned the Board has \$4.9 million in unauthorized money available to use. The Board will receive another \$12,500,000 in earnings and grant money later this year.

Ken Wilde reported some of the projects will be closing soon. St. George City is still working on getting the water rights signed off from the Indian Tribe. The Board authorized a \$6 million loan to St. George City for a project. Since St. George City is having some problems with the Indian Tribe, they offered to let the Board use some of their \$6 million loan money for other projects.

2) State SRF Applications

a) Gunlock Special Service District – Withdrawn

Ken Wilde reported the Board authorized Gunlock Special Service District 20 years to pay off their loan. Gunlock Special Service District requested changing the pay off on their loan from 20 years to 25 years, which the Board denied. Gunlock has requested withdrawing their loan.

b) Wellington City

Ken Wilde reported Wellington City's request was presented at the January 12, 2007 Board meeting. Mayor Houskeeper addressed the Board. The Board expressed some concern about the potential of Wellington City pulling away from the District and going out on their own. The Board instructed staff to ask Price Water Improvement District to help. Ken reviewed the information staff received from Price River for the Board. Welling City used some state funding for their project, with the intent they would be part of the regionalization system. The District will experience some financial problems if Wellington City goes out on their own. Ken reviewed a letter from Price River's Board of Trustee's expressing unanimous support of Wellington City's funding application.

Mayor Karl Houskeeper, representing Wellington City, addressed the Board.

Discussion followed.

Ronald Thompson moved the Board deny Wellington City's request.

Paul Hansen seconded.

Discussion on motion followed.

Ken Bassett, Anne Erickson, Jay Franson, and Laurie McNeill voted no.

Paul Hansen, Myron Bateman, Daniel Fleming, and Ronald Thompson voted yes.

Helen Graber abstained.

Petra Rust didn't vote.

MOTION FAILED

Petra Rust moved the Board authorize a planning loan for \$40,000 at 2%, and to pay the loan off in 5 years to be paid on a yearly basis. Petra amended her motion to include that the scope of work is approved by staff.

Ken Bassett seconded.

Discussion on motion.

Helen Graber, Jay Franson, Paul Hansen, and Myron Bateman voted no.

Petra Rust, Ken Bassett, Anne Erickson, Daniel Fleming, Laurie McNeill, and Ronald Thompson voted yes.

MOTION PASSED

c) Circleville City

Rich Peterson reported Circleville City has requested to table their application. Circleville City has some work they need to finish before their application is presented to the Board. Circleville City will present their application at the May 11, 2007 Board meeting.

Chad Brown and Eric Franson, representing Circleville City, were available for any questions from the Board. Eric Franson addressed the Board.

Discussion followed.

d) Escalante City

Rich Peterson reported Escalante City has 9 springs that have been repaired recently. The springs are part of the line that connects the springs to their water system. The lower line has been experiencing breaks recently. The wells, drilled in 2004, are a concern. Escalante City has a large project estimated at costing \$4,344,791. Escalante City is anticipating receiving some money from the CIB for a grant. CIB could receive the request in April or June. CIB will decide on how to apply Escalante's request when they have all of the information. Escalante City is looking at a \$1,560,000 construction loan at 2.26% for 20 years with an option of 25 – 30 years, and a grant of \$600,896.

Rich White and Guy Graham, representing Escalante City, were available for any questions from the Board.

Discussion followed.

Daniel Fleming moved the Board authorize a construction loan for \$1,560,000 at 2.26% for 20 years (with the option to extend the term to 30 years, and 2.46%) a grant for \$600,896, and to correct their deficiencies and report back to staff.

Jay Franson seconded.

**CARRIED
(Unanimous)**

e) Austin Special Service District

Karin Tatum reported Austin Special Service District is requesting changing their \$14,000 planning loan to a planning grant. The planning loan was authorized at the January 12, 2007 Board meeting.

Discussion followed.

Daniel Fleming moved the Board authorize changing Austin Special Service District's \$14,000 from a planning loan to a planning grant.

Jay Franson seconded.

**CARRIED
(Unanimous)**

f) Federal SRF Applications

a. Leeds Domestic Water Users Association

Karin Tatum reported Leeds Domestic Water Users Association is requesting a \$15,000 planning loan.

Discussion followed.

Laurie McNeill moved the Board authorize a \$15,000 planning loan to Leeds Domestic Water Users Association at 0% for 5 years, and to pay back \$3,000 annually, beginning one year from the date the loan agreement is signed.

Daniel Fleming seconded.

**CARRIED
(Unanimous)**

ITEM 8 – AUTHORIZATION TO PROCEED WITH RULE ADOPTION – R309-100 – BODY
POLITIC RULE ADOPTION

Bill Birkes reported staff published the proposed Body Politic Rule in the Utah Bulletin on January 16, 2007. The comment period was open for 30 days. Staff received some comments on the rule shortly before the deadline on February 16, 2007, and the comments are included in the packet.

Discussion followed.

Ronald Thompson moved the Board authorize staff to hold a public hearing meeting, for staff to look at modifying the rule so the water systems aren't impacted, and to eliminate the existing private water systems from the rule before the May 11, 2007 Board meeting.

Paul Hansen seconded.

**CARRIED
(Unanimous)**

ITEM 9 – AUTHORIZATION TO PROCEED WITH RULE ADOPTION – R309-100, 105, 110, 115,
200, 210, 215, 220, 225, 300, 400, AND 405 – FEDERAL RULE ADOPTION AND
REORGANIZATION

Patti Fauver mentioned staff needs to finalize the rules, excluding the Body Politic rule, for the State to retain primacy.

Patti reviewed the comments staff received during the comment period, and what needs to be done, on the rules. The comments are in the packet. One of the comments is that the Federal rules need to be incorporated with the State rules. Additional changes were presented in the packet to address EPA Region VIII's comments.

Discussion followed.

Ken Bassett moved the Board authorize staff to proceed with filing the effective notices for Rules R309-105, 110, 200, 210, 215, 220, 225, and 400, file the changes and appropriate forms to Rules R3093-105, 110, 210, 215, 220, and 225, and to address the comments from EPA Region VIII with the Division of Administrative Rules for adoption.

Petra Rust seconded.

**CARRIED
(Unanimous)**

ITEM 10 – REAUTHORIZATION OF RULE SERIES R309-500 AND R309-700

Ken Wilde reported that the Rules R309-500 through R309-550 as well as R309-700 and R309-705 are scheduled for sunset on September 16, 2007, unless staff files the necessary five year notice of review and statement of continuation. Ken mentioned staff is recommending the Board authorize them to proceed with filing the necessary paperwork to continue the rules.

Discussion followed.

Petra Rust moved the Board authorize staff to proceed with the necessary filing to continue these rules.

Daniel Fleming seconded.

**CARRIED
(Unanimous)**

Ronald Thompson left the Board meeting.

ITEM 11 – WATERWATCH OF UTAH

Ken Bousfield gave some background information on the fluoride issues, and introduced Lorna Rosenstein, Director of Waterwatch of Utah.

Lorna Rosenstein's presentation addressed: "All public water systems, as a condition of product use, shall require chemical suppliers of direct water additives intended to artificially fluoridate the public water" to:

- 1) Provide a complete certificate of analysis, to be performed by an ANSI/NSF certified independent testing laboratory, that is specific to each batch of fluoridating substance delivered, which shall include a detailed list of each and all contaminants and the specific concentration of each and all contaminants as measured in the raw product prior to dilution in the manner described by AWWA procedure for the chemical form; and
- 2) Submit a list of the chronic toxicological data available on the product as it is specifically formulated, i.e., hydrofluosilicic acid with and without contamination, or so state that no toxicological data exists for the product as formulated. And
- 3) Provide a statement to assure that the specific product fulfills the legislative intent of fluoridation public policy and that their specific product as formulated is safe and effective for purposes of reducing tooth decay at all ranges of expected human consumption when used within the Maximum Use Level as declared for NSF certification.

Discussion followed.

Ken Bousfield identified issues that neither the Board nor staff had jurisdiction over as well as issues the Board and staff could address. Ken also committed to work with Lorna on those issues the Division had jurisdiction over.

The Board directed Ken Bousfield to report back to the Board on the completion of staff's work with Lorna Rosenstein.

ITEM 12 – CHAIRMAN'S REPORT

Chairman Erickson thanked the Board for their participation in the meetings. Chairman Erickson mentioned the diverse backgrounds of each Board member, and thanked them for working so well together.

Chairman Erickson thanked the Board for their support in nominating her for another term on the Board.

ITEM 13 – DIRECTORS REPORT

a) The Town of Alta and the Salt Lake County Service Area # 3 Report

Ken Bousfield provided some background to the Board on the Antimony Variance that was granted to the Town of Alta and the Salt Lake County Service Area # 3 at the Board meeting held the previous year on March 3, 2006.

Ken Bousfield reported that Alta had provided information that showed there was no additional water available for blending purposes in satisfaction of the requirement the Board placed on Alta the previous year.

Ken Bousfield further reported that he received a call from Mark Haig contesting what Alta told staff. Mark Haig was in an accident, and was unable to attend the March 2, 2007 Board meeting. Ken Bousfield asked Mark Haig to send his written comments to him, and the information would be reviewed at the May 11, 2007 Board meeting.

Ken Bousfield mentioned Snowbird was successful in blending the lower antimony water with their higher antimony water. Snowbird's data, reported on a quarterly basis, shows they are in compliance with the standards.

Ken Bousfield mentioned the two year variance granted to Alta will be up next year. Ken Bousfield

b) Report on the Rural Water Conference

Ken Bousfield reported on the Division staff's involvement the Rural Water Association's Annual Conference this year was very successful. Ken reviewed what staff accomplished this year at the conference.

The Board congratulated the Rural Water staff and the Division staff on their corporation with each other during the year, and for the exceptional work they both accomplished at the conference this year.

Discussion followed.

ITEM 14 – NEWS ARTICLES

The news articles are in the packet.

ITEM 15 – LETTERS

The letters are in the packet.

ITEM 16 – NEXT BOARD MEETING

The tentative schedule for the next Board meeting is set for May 11, 2007. The Board meeting and tour are scheduled for Park City, Utah. The tour will be in the morning. The Board meeting will start at 1:00 p.m.

Myron Bateman and Helen Graber mentioned they won't be able to attend the Board meeting in May, due to school graduations.

ITEM 17 – OTHER

No other business.

ITEM 18 - ADJOURN

Chairman Erickson stated a motion to adjourn the Board meeting would be in order.

Petra Rust moved to adjourn the Drinking Water Board meeting at 4:10 p.m.

Motion carried.

**CARRIED
(Unanimous)**

Linda Matulich
Recording Secretary